

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

WESLEY ANTWAN GULLEY,

Plaintiff,

v.

MICHAEL A. LAPAGLIA, MD.,
METHODIST MEDICAL CENTER OF OAK
RIDGE, TEAM HEALTH, INC.,
SOUTHEASTERN EMERGENCY
PHYSICIANS, INC., TAMMY JONES, R.N.,
JAMES T. AKAGI, in his individual capacity
only, JOHN THOMAS, individually, MAX
SMITH, individually, JOHN DOE(S)(CITY
OF OAK RIDGE POLICE DEPT),
individually, and JOHN
DOE(S)(METHODIST MEDICAL CENTER),
individually,

Defendants.

No. _____
JURY DEMANDED

NOTICE OF REMOVAL

The Defendants City of Oak Ridge, Tennessee, James T. Akagi in his official capacity, John Thomas, Max Smith, Michael A. Lapaglia, M.D., Methodist Medical Center and Tammy Jones, R.N., all having been appropriately served in this matter, hereby appear, by and through counsel, and pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1441(b), 28 U.S.C. § 1441(c), and 28 U.S.C. § 1443, would show the Court as follows:

1. The Plaintiff filed this action against the above-named Defendants who have been served and Team Health, Inc., and Southeastern Emergency Physicians, Inc., who have not been served according to the Circuit Court Clerk of Anderson County, Tennessee, on or about June 1, 2012 in the Circuit Court for Anderson County, Tennessee, bearing Docket No. B2LA0176. Defendants City of Oak Ridge, James T. Akagi and John Thomas were served a copy of the

Summons and Complaint on June 19, 2012. Defendants Michael A. Lapaglia, M.D., and Max Smith were served a copy of the Summons and Complaint on June 20, 2012. Defendant Tammy Jones was served a copy of the Summons and Complaint on June 21, 2012. Defendant Methodist Medical Center was served a copy of the Summons and Complaint on June 25, 2012. Defendants Team Health, Inc. and Southeastern Emergency Physicians, Inc. have not been served a copy of the Summons and Complaint as of this filing and it is unknown to these Defendants if the Plaintiff ever intends to serve a copy of the Summons and Complaint on them.

2. This Court has jurisdiction over the above-styled cause of action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1343, and 28 U.S.C. § 1332.

3. The United States District Court for the Eastern District of Tennessee at Knoxville, embracing Anderson County, Tennessee, in which the Circuit Court action is currently pending, is the proper venue for removal of this action.

4. The Plaintiff has alleged violation of his federal constitutional civil rights.

5. The pleadings filed with the Circuit Court for Anderson County included with this Notice of Removal are attached hereto as Exhibit 1.

6. Written notice of the filing of this Notice of Removal has been filed with the Circuit Court for Anderson County, Tennessee.

7. This Notice of Removal has been filed within thirty (30) days of the last of these Defendants' first notice that the Plaintiff has alleged a basis for federal question jurisdiction.

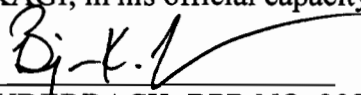
8. These Defendants expressly reserve the right to raise all defenses and objections after the action has been removed to this Court.

9. As of this filing not all Defendants have been served, but all defendants who have been served now request this removal to this Honorable Court.

WHEREFORE, the defendants respectfully pray that the above captioned cause of action be removed from the Circuit Court for Anderson County, Tennessee, to the United States District Court for the Eastern District of Tennessee at Knoxville.

RESPECTFULLY submitted this 19th day of July, 2012.

CITY OF OAK RIDGE, TENNESSEE,
AND JAMES T. AKAGI, in his official capacity only

By: 
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been served upon parties, or counsel for the parties in interest herein by delivery of the same to the offices of said counsel or parties' counsel, or by mailing the same to said offices by United States Mail, with sufficient postage thereon to carry the same to its destination:

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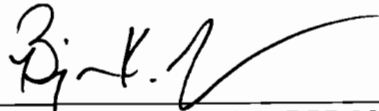
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Dated this 19th day of July, 2012.



BENJAMIN K. LAUDERBACK, BPR NO. 20855